

## WORKS PROGRESS ADMINISTRATION.

[General Letter No. 36]

## RELEASE OF OFFICIAL INFORMATION OR RECORDS

JUNE 2, 1936.

## To all State Works Progress Administrators:

No officer or employee of the Works Progress Administration shall furnish any information or make available any official document or paper, or copy thereof, to any person, except persons having official business with the Works Progress Administration.

In all cases where documents or records are subpoenaed, the issuing officer or body shall be informed that such documents can be furnished only upon order of the Federal Administrator and that the request should be addressed to him. A full report outlining the information desired and the circumstances must be immediately forwarded by the proper Works Progress Administration officer to the Federal Administrator.

In all cases where a W. P. A. officer or employee is requested to testify in regard to matters of an official or confidential character, knowledge of which was acquired in his official capacity, he shall respectfully decline to answer. If his reasons are requested by the court or body conducting the hearing, he shall courteously state that the matter is privileged and can not be disclosed without specific approval from the Federal Administrator.

It is not the intent of these instructions to withhold information regarding the Works Progress Administration, but to affirm the fact that the disclosing of official documents or records of the Works Progress Administration is a question to be decided only by the Federal Administrator.

HARRY L. HOPKINS, Administrator.

[F. R. Doc. 912—Filed, June 13, 1936; 9:31 a. m.]

Wednesday, June 17, 1936

No. 68

## PRESIDENT OF THE UNITED STATES.

## EXECUTIVE ORDER

## RESERVATION OF NAVAL STATION, BALBOA, CANAL ZONE

By virtue of and pursuant to the authority vested in me by section 5 of title II of the Canal Zone Code, approved June 19, 1934, and as President of the United States, the following-described land situated in the Canal Zone is hereby reserved and set apart as, and assigned to the uses and purposes of, a naval reservation, which shall be known as Naval Station, Balboa, Canal Zone, and shall be under the control and jurisdiction of the Secretary of the Navy, except that it shall be subject to the civil jurisdiction of the Canal Zone authorities in conformity with the provisions of the said Canal Zone Code:

Beginning at a concrete monument, marked "G" on Panama Canal drawing L 6103-62, located at the extreme high-water mark on the shore of Panama Bay, the geographic position of which (referred to Panama-Colon datum of the Canal Zone triangulation system) is in latitude 8°56' plus 3653.4 feet N. and longitude 79°33' plus 1518.10 feet W.; thence

S. 37°40' W., a distance of 828.8 feet through an iron rail in concrete monument, 63.8 feet from beginning of course, marked "V" on the map, to an iron rail in concrete monument, marked "Z" on the map (this line corresponds with a part of the northwestern boundary of Fort Amador); thence

N. 52°20' W., a distance of 1286.0 feet through concrete monument, 635.3 feet from beginning of course, marked "C" on the map, and an iron rail in concrete, 1049.9 feet

from beginning of course, marked "W" on the map, to a concrete monument, marked "H" on the map; thence

N. 11°10' E., a distance of 442.5 feet to a concrete monument, marked "I" on the map; thence

N. 68°37' E., a distance of 91.3 feet to a concrete monument, marked "J" on the map; thence

N. 21°23' W., a distance of 1,120.3 feet through concrete monuments, marked "K" and "L" on the map, 370.0 feet and 740.0 feet, respectively, from beginning of course, to a concrete monument, marked "M" on the map; thence

N. 68°37' E., a distance of 400.0 feet to a concrete monument, marked "N" on the map, located 28.0 feet westerly and at right angles from the center line of the pavement of Amador Road; thence

S. 21°23' E., a distance of 1,120.3 feet, parallel to and at a distance of 28.0 feet from the center line of the pavement of Amador Road, to a concrete monument, marked "O" on the map; thence

N. 68°37' E., a distance of 388.2 feet through an iron rail in concrete monument, 35.0 feet from end of course, marked "Y" on the map, to a point marked "P" on the map, located at the extreme high-water mark on the shore of Panama Bay; thence

S. 35°01' E., a distance of 1,080.0 feet to monument "G" on the map which is the point of beginning.

The direction of the lines refers to the true meridian.

The above-described tract contains an area of 40.84 acres.

All of the above-described area is shown on Panama Canal drawing L 6103-62 of November 27, 1935, entitled "Boundary of Balboa Naval Station", showing approval by the Governor of the Panama Canal, and by the Commandant, Fifteenth Naval District, in whose offices the drawing is filed.

This order supersedes Executive Order No. 4047 of July 8, 1924, and Executive Order No. 4105 of November 22, 1924, setting apart and assigning certain sites in the Canal Zone to the uses and purposes of naval reservations.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,

June 15, 1936.

[No. 7387]

[F. R. Doc. 920—Filed, June 16, 1936; 10:33 a. m.]

## EXECUTIVE ORDER

## MODIFICATION OF EXECUTIVE ORDER NO. 6910 OF NOVEMBER 26, 1934, AS AMENDED, WITHDRAWING PUBLIC LANDS IN CERTAIN STATES

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6910 of November 26, 1934, as amended, temporarily withdrawing all public lands in certain states for classification and other purposes, be, and it is hereby, modified to the extent necessary to enable the Secretary of the Interior to withdraw the following-described tracts of public land for reclamation purposes under and pursuant to the provisions of section 3 of the act of June 17, 1902, ch. 1093, 32 Stat. 388:

## NEW MEXICO

## New Mexico Principal Meridian

T. 16 S., R. 4 W., Sec. 20, SW¼NE¼SE¼, NW¼SE¼, S½SE¼ and SW¼; aggregating 280 acres.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE

June 15, 1936.

[No. 7388]

[F. R. Doc. 919—Filed, June 16, 1936; 10:32 a. m.]

## EXECUTIVE ORDER

## AMENDMENT OF CIVIL SERVICE RULE IX—REINSTATEMENT

By virtue of and pursuant to the authority vested in me by the provisions of Subdivision FIRST and paragraph Eighth of Subdivision SECOND of section 2 of the Civil Service Act of January 16, 1883, 22 Stat. 403, 404, it is ordered as follows:

The first paragraph of section 1 of Civil Service Rule IX, relating to reinstatement, is hereby amended to read as follows:

A person having a classified (competitive) civil service status, or eligibility for such status through competitive examination, at the time he is separated without delinquency or misconduct from a civilian position in the Federal service may be reinstated upon certificate of the Commission subject to the following limitations:

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

June 15, 1936.

[No. 73891]

[F. R. Doc. 918—Filed, June 16, 1936; 10:32 a. m.]

## DEPARTMENT OF AGRICULTURE.

## Food and Drug Administration.

## AMENDMENT OF AUGUST 27, 1935, TO FEDERAL FOOD AND DRUGS ACT, AND REGULATIONS FOR THE INSPECTION OF CANNED SHRIMP THEREUNDER

## Secretary of Agriculture:

Under the authority conferred by the Amendment of August 27, 1935, to the Federal Food and Drugs Act (Sec. 10A), I recommend the adoption and promulgation, to become effective July 1, 1936, of the following revised regulations to supersede the former regulations governing the inspection of canned shrimp.

W. G. CAMPBELL,

Chief, Food and Drug Administration.

Approved:

M. L. WILSON,

June 16, 1936.

[Public, No. 346—74th Congress]

[S. 3194]

AN ACT To amend Section 10A of the Federal Food and Drugs Act of June 30, 1906, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10A of the Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes", approved June 30, 1906, as amended, is amended to read as follows:

Sec. 10A. The Secretary of Agriculture, upon application of any packer of any sea food for shipment or sale within the jurisdiction of this Act, may, at his discretion, designate inspectors to examine and inspect such food and the production, packing, and labeling thereof. If on such examination and inspection compliance is found with the provisions of this Act and regulations promulgated thereunder, the applicant shall be authorized or required to mark the food as provided by regulation to show such compliance. Services under this section shall be rendered only upon payment by the applicant of fees fixed by regulation in such amounts as may be necessary to provide, equip, and maintain an adequate and efficient inspection service. Receipts from such fees shall be covered into the Treasury and shall be available to the Secretary of Agriculture for expenditures incurred in carrying out the purposes of this section, including expenditures for salaries of additional inspectors when necessary to supplement the number of inspectors for whose salaries Congress has appropriated. The Secretary is hereby authorized to promulgate regulations governing the sanitary and other conditions under which the service herein provided shall be granted and maintained, and for otherwise carrying out the purposes of this section. Any person who forges, counterfeits, simulates, or falsely represents, or without proper authority uses, any mark, stamp, tag, label, or other identification devices authorized or required by the provisions of this section or regulations thereunder, shall

be guilty of a misdemeanor, and shall, on conviction thereof be subject to imprisonment for not more than one year or a fine of not less than \$1,000 nor more than \$5,000, or both such imprisonment and fine.

Approved, August 27, 1935.

REVISED REGULATIONS FOR INSPECTION OF CANNED SHRIMP  
EFFECTIVE JULY 1, 1936

## APPLICATION FOR INSPECTION

1. Any packer of canned shrimp who desires inspection service, or the renewal thereof, under the provisions of section 10A of the Federal Food and Drugs Act shall make application therefor on a form supplied by the Food and Drug Administration. The application shall be accompanied by a payment of \$300, as prescribed by regulation 13 (b). Such payment shall be made in the form prescribed by regulation 13 (f).

## CONDITIONS AND EQUIPMENT REQUIRED FOR GRANTING INSPECTION

2. (a) The Secretary of Agriculture, upon application by the packer, may grant inspection at the establishment covered by such application when he determines that the establishment complies with (b) to (m), inclusive, of this regulation.

(b) All exterior openings of the cannery shall be adequately screened, and roofs and exterior walls shall be tight. When necessary, fly traps or other approved insect control devices shall be installed.

(c) One or more suitable washing devices and one or more suitable inspection belts shall be installed for the washing and subsequent inspection of the shrimp before delivery to the picking tables.

(d) Picking and packing rooms shall be separate, and fixtures and equipment thereof shall be so constructed and arranged as to permit thorough cleaning. Such rooms shall be adequately lighted and ventilated, and the floors thereof shall be tight and arranged for thorough cleaning and proper drainage. Blanching tanks shall not be located in picking room. Open-drains from picking room shall not enter packing or blanching room. If picking and packing rooms are in separate buildings such buildings shall not be more than 100 yards apart, unless, with the approval of the Food and Drug Administration, such conditions are maintained as will enable efficient inspection.

(e) The tops of picking and packing tables and the interior of washtanks, flumes, blanching tanks, brine tanks, and all utensils for handling shrimp shall be of metal other than lead or of other smooth, hard, non-porous material that can be readily cleaned. Metal seams shall be smoothly soldered.

(f) Suitable containers, flumes, chutes, or conveyors shall be provided for removal of offal from picking room.

(g) Adequate supplies of steam and of clean, unpolluted running water shall be provided for washing, cleaning, and otherwise maintaining the establishment in a sanitary condition.

(h) Adequate toilet facilities of sanitary type shall be provided.

(i) An adequate number of sanitary wash basins, with soap, shall be provided in both the picking and packing rooms. Paper towels shall also be provided in the packing room.

(j) Signs requiring employees handling shrimp to wash their hands after each absence from post of duty shall be conspicuously posted in the picking and packing rooms and elsewhere about the cannery as conditions require.

(k) Equipment shall be provided for code marking cans or other immediate containers.

(l) Each processing retort shall be fitted with at least the following equipment:

(1) An automatic control for regulating temperatures.

(2) An indicating mercury thermometer of a range from 170° F. to 270° F. with scale divisions not greater than 2°. For steam cook such thermometers shall be installed either within a fitting attached to the shell of the retort or within the door or shell of the retort. For water

cook such thermometers shall be installed in the door or shell of the retort below the water level. If the thermometer is installed within a fitting such fitting shall communicate with the chamber of the retort through an opening at least 1 inch in diameter. Such fitting shall be equipped with a bleeder at least  $\frac{1}{8}$  inch in diameter.

If the thermometer is installed within the door or shell of the retort the bulb shall project at least two-thirds of its length into the principal chamber thereof.

(3) A recording thermometer of a range from 170° F. to 270° F. with scale divisions not greater than 2°. The bulb of such thermometer shall be installed as prescribed for the indicating mercury thermometer. The case which houses the charts and recording mechanism shall be provided with an approved lock, all keys to which shall be in the sole custody of the inspector.

(4) A pressure gauge of a range from 0 to 30 pounds with scale divisions not greater than 1 pound. Such gauge shall be connected to the chamber of the retort by a short goose-neck tube. The gauge shall be not more than 4 inches higher than the goose-neck.

(5) A blow-off vent of at least  $\frac{3}{4}$  inch inside diameter in the top of the retort.

(6) A  $\frac{1}{8}$  inch bleeder in top of retort for steam cook.

(7) A baffle plate in the base of retort.

(m) Suitable space and facilities shall be provided for the inspector to prepare records and examine samples, and for the safe-keeping of records and equipment.

#### REFUSAL OF INSPECTION AND CANCELLATION OF APPLICATION

3. (a) The Secretary of Agriculture may refuse inspection at any establishment for cause. In case of refusal he will notify the applicant of the reason therefor and return to such applicant the fees which accompanied the application, less any expenses incurred by the Food and Drug Administration for preliminary inspection of the establishment, or for other purposes incident to such application.

(b) The applicant may upon written notice to the Food and Drug Administration withdraw his application for inspection before an inspector is assigned to the establishment. In case of withdrawal, the Secretary will return to such applicant the fees which accompanied the application less any expenses incurred by the Food and Drug Administration for preliminary inspection of the establishment, or for other purposes incident to such application.

#### UNINSPECTED SHRIMP EXCLUDED FROM INSPECTED ESTABLISHMENTS

4. (a) No establishment to which inspection has been granted shall at any time thereafter can shrimp which has not been inspected under these regulations, or handle or store on the premises any canned shrimp which has not been so inspected: *Provided*, That this paragraph shall not apply to any establishment after termination of inspection therein as authorized by regulation 14.

(b) All shrimp delivered to or held in any establishment during any inspection period or subperiod shall be subject to inspection, but certificates of inspection will not be issued under these regulations on any shrimp except canned shrimp.

(c) Any shrimp condemned by the inspector as filthy, decomposed, putrid, or unfit for food shall be disposed of as provided for in regulation 5 (h).

#### SANITARY OPERATING CONDITIONS

5. (a) The decks and holds of boats catching shrimp for any inspected establishment shall be kept in a sanitary condition. When necessary such boats shall be supplied with sufficient clean ice to maintain the shrimp under refrigeration until unloaded.

(b) Canneries, cannery freight boats, and other cannery conveyances shall accept only fresh, clean, sound shrimp.

(c) The decks and holds of all boats and the bodies of other conveyances transporting shrimp to the cannery shall be kept in sanitary condition. Shrimp delivered to or caught by such boats or delivered to such conveyances shall be iced down immediately with sufficient clean ice to maintain the shrimp under refrigeration until delivery to cannery.

(d) After delivery of each load of shrimp to cannery, decks and holds of each boat and the body of each conveyance making such delivery shall be washed down with clean, unpolluted water and all debris shall be cleaned therefrom before leaving the cannery premises.

(e) All portions of the establishment shall be adequately lighted to enable the inspector to perform his duties properly.

(f) As often as is necessary to maintain sanitary conditions, unloading platforms and equipment shall be washed with clean, unpolluted water, and all debris shall be cleaned therefrom.

(g) After each delivery to the cannery shrimp shall be handled expeditiously and under such conditions as to safeguard against contamination or spoilage up to the time of final processing.

(h) The packer shall immediately destroy for food purposes any shrimp in his possession condemned by the inspector as filthy, decomposed, or putrid, or otherwise unfit for food. Shrimp condemned on boat or unloading platform shall not be taken into the ice box or picking room.

(i) Offal, debris, or refuse from any source whatever, shall not be allowed to accumulate in or about the cannery or premises.

(j) Offal from picking tables shall not be piled on the floor, but shall be placed in suitable containers for frequent removal, or shall be removed by flumes, conveyors, or chutes.

(k) No picked shrimp shall be returned to the picking table after delivery to the weigher.

(l) Where the shrimp, at any time after picking and until enclosed in the can or other immediate container, are transported from one building to another they shall be protected by properly covered containers.

(m) All floors and other parts of the cannery and all cannery fixtures, equipment, and utensils shall be cleaned as often as may be necessary to maintain them in sanitary condition.

(n) The packer shall require all employees handling shrimp to wash their hands after each absence from post of duty.

(o) The packer shall require all employees to observe proper habits of cleanliness, and shall not knowingly employ in or about the cannery any person afflicted with infectious or contagious disease.

#### CODE-MARKING CANS

6. (a) Cans and other immediate containers shall be marked with codes to show at least the date of packing and the establishment in which they were packed. Where shrimp are graded for size, the code shall also show the size. Such marks shall be affixed before the containers are placed in the processing retorts.

(b) Keys to all code marks shall be given to the inspector.

(c) The lot identified by each code mark shall be stored separately pending final inspection.

#### PROCESSING

7. (a) The closure of the can and the time and temperature of processing the canned shrimp shall be adequate to prevent bacterial spoilage.

(b) The following processes shall be employed for the containers indicated:

##### *Dry pack:*

Kind of container	Liner	Size	Time at 245° F.	Time at 250° F.
Tin.....	One-piece.....	211 x 490.....	85 minutes.....	66 minutes.....
Tin.....	One-piece.....	297 x 293.....	85 minutes.....	66 minutes.....
Tin.....	One-piece.....	297 x 315.....	90 minutes.....	70 minutes.....
Tin.....	Two-piece.....	211 x 490.....	80 minutes.....	62 minutes.....
Tin.....	Two-piece.....	297 x 293.....	80 minutes.....	62 minutes.....
Tin.....	Two-piece.....	297 x 315.....	85 minutes.....	66 minutes.....
Tin.....	Three-piece or no liner.....	211 x 490.....	70 minutes.....	53 minutes.....
Tin.....	Three-piece or no liner.....	297 x 293.....	70 minutes.....	53 minutes.....
Tin.....	Three-piece or no liner.....	297 x 315.....	75 minutes.....	57 minutes.....
Tin (high vacuum).	Three-piece or no liner.....	297 x 293.....	55 minutes.....	.....

Wet pack

Kind of container	Size	Time at 240° F.	Time at 250° F.
Tin.....	211 x 400	20 minutes	10 minutes
Tin.....	307 x 208	20 minutes	10 minutes
Tin.....	307 x 315	23 minutes	12 minutes
Glass.....	2-9 fl. oz. inc.	22 minutes	14 minutes

(c) For steam cock, blow-off vent shall be open during the coming-up period. Bleeders shall emit steam during the entire processing period.

(d) The inspector shall identify each record on the thermometer chart with the code mark of the canned shrimp to which such record relates and the date of such record. The packer shall keep such charts for at least one year, and upon request shall furnish them to any inspector of the Food and Drug Administration.

## TESTING OF SAMPLES

8. (a) Adequate samples shall be drawn by the inspector from the lot of canned shrimp identified by each code mark to determine whether or not such lot conforms to all requirements of the Federal Food and Drugs Act, amendments thereto, and regulations thereunder.

(b) The packer shall destroy for food purposes, under the immediate supervision of the inspector, any lot of canned shrimp condemned by the inspector as not complying with regulation 7 (a), or as filthy, decomposed, putrid, or unfit for food.

## LABELING

9. (a) Labels on canned shrimp packed and certified under these regulations shall bear the mark "Production supervised by U. S. Food and Drug Administration", with or without the official establishment number. Such mark shall be plainly and conspicuously displayed in type of uniform size and style on a background of strongly contrasting color, and shall appear on the principal panel or panels of the label so as to be easily observable in connection with the name of the article.

(b) Two proofs or six specimens of each label intended for use on inspected canned shrimp or on or within the cases therefor, shall be submitted to the Food and Drug Administration for approval. If proofs are submitted, six specimens of the label shall be sent to the Administration after printing. The Food and Drug Administration is hereby authorized to approve labels for use on canned shrimp inspected under these regulations if such labels when so used comply with the provisions of the Food and Drugs Act, amendments thereto, and regulations thereunder. The Food and Drug Administration is also authorized to revoke any such approval for cause. The Administration shall not approve labels for canned shrimp intended for export under the provisions of regulation 10 (d).

(c) No commercial brand appearing on any label approved under (b) of this regulation, and no label simulating one so approved, shall be used thereafter on any canned shrimp other than that which has been inspected under these regulations. *Provided*, That this paragraph shall not apply to any packer's label after termination of inspection as provided in regulation 14, or to any distributor's label after three months' written notice by the owner thereof to the Food and Drug Administration that its use on inspected canned shrimp has been discontinued and will not be resumed.

(d) Canned shrimp labeling authorized by or approved under (a) or (b) of this regulation shall be used only as authorized by these regulations. Unauthorized use of such labeling renders the user liable to the penalties prescribed by the Food and Drugs Act, as amended.

## CERTIFICATES OF INSPECTION, WAREHOUSING AND EXPORT PERMITS

10. (a) After finding any parcel of labeled canned shrimp identified by code marks to conform to all requirements of the Food and Drugs Act, amendments thereto, and regulations thereunder the inspector shall issue to the packer

thereof a certificate showing that such parcel so conforms. The certificate shall specify the code marks to which it applies, the quantity of the parcel so marked, the size of the containers, and the commercial brand appearing on the labels.

(b) Certificates shall be issued only for canned shrimp which bears labeling approved under regulation 9 (b).

(c) Any packer who desires to store unlabeled canned shrimp in any warehouse elsewhere than on the premises where such shrimp was packed shall make application for warehousing on a form supplied by the Food and Drug Administration. Such application shall give the name and location of the warehouse in which such shrimp is to be stored, and shall be accompanied by an agreement signed by the owner or operator of such warehouse that inspectors shall have free access at all times to any such shrimp, and that conditions which will preserve the identity of each lot of such shrimp shall be continuously maintained pending compliance with the provisions of (e) of this regulation. If such application is approved and it appears to the inspector that any parcel of canned shrimp complies with regulation 7 (a) and is neither adulterated nor slack filled, the inspector shall issue to the packer of such shrimp, on his request, a warehousing permit covering such parcel. Such permit shall specify the code mark to which it applies, the size of shrimp in the containers, the size of such containers, the quantity of the parcel so marked, and the type of pack. When any provision of the agreement is violated, the Administration may revoke any permit so issued, and may also revoke its approval of the application of the packer for warehousing.

(d) The proviso of section 2 of the Federal Food and Drugs Act declares that no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped. Application for an export permit based on an order from a foreign purchaser for unlabeled canned shrimp or canned shrimp bearing or intended to bear labels which fail to comply with sections 8 and 10A of the Federal Food and Drugs Act, as amended, or regulations thereunder, only because of the absence of descriptive or informational declarations required thereunder, shall be made to the inspector. The application shall be accompanied by the order from the foreign purchaser and, if so required by the Food and Drug Administration, shall state whether or not such shrimp complies with the laws of the foreign country to which it is to be shipped. The inspector shall be directed to issue to such packer an export permit if such canned shrimp complies with the laws of the foreign country to which it is intended to be shipped and if the inspector finds that it complies with the provisions of these regulations regarding wholesomeness and sanitary conditions and that it accords with the specifications and directions of the foreign purchaser. If such order specifies labeled canned shrimp, six specimens of the label to be used thereon shall accompany such application. Such permit shall show the inspector's findings, the code marks on such shrimp, and the quantity thereof. The cases of such canned shrimp shall be plainly and conspicuously marked "For Export." The inspector shall not issue a certificate on such canned shrimp nor shall the packer distribute it within the jurisdiction of the United States. The packer shall furnish the inspector documentary evidence showing exportation of all such shrimp. No canned shrimp packed under the provisions of this paragraph shall be stored in any warehouse in the United States elsewhere than on the premises where such shrimp was packed, except on written permission of the Chief of the Food and Drug Administration Station within whose territory such warehouse is located.

(e) No canned shrimp shall be moved from an inspected establishment, except for destruction for food purposes under the immediate supervision of the inspector, or for storage authorized under (c) of this regulation, or for export

authorized under (d) of this regulation, until a certificate for such shrimp has issued. No canned shrimp stored under the authority of (c) of this regulation shall be moved from the warehouse where stored, until a certificate or export permit therefor has issued, except upon the written permission of the Chief of the Food and Drug Administration Station within the territory where such warehouse is located. Such permission shall be granted only upon a satisfactory showing that the identity of such shrimp will be maintained pending issuance of a certificate or export permit therefor.

#### ACCESS OF INSPECTORS TO ESTABLISHMENTS AND SHIPPING RECORDS

11. Inspectors shall have free access at all times to all parts of any establishment to which they are assigned and to freight and fishing boats and other conveyances supplying shrimp to such establishment. The packer shall keep for at least one year a record of shipments from each lot of canned shrimp identified by a code mark, and upon request of the inspector shall furnish the shipping records thereon.

#### ASSIGNMENT OF INSPECTORS AND PERIODS OF INSPECTION

12. (a) Except as provided by (b) and (c) of this regulation an initial assignment of one or more inspectors shall be made to each establishment granted inspection under these regulations. Thereafter the Food and Drug Administration shall adjust the number of inspectors assigned to any establishment, or to any organization formed under the authority of (c) of this regulation, to the number required for continuous and efficient inspection.

(b) Upon the agreement of packers operating two or more neighboring establishments of small output to receive shrimp and operate such establishments at different specified times, and with the approval of the Food and Drug Administration, one inspector may be assigned to such establishments. The agreement shall bind each packer party thereto not to receive or handle any shrimp in his establishment except when an inspector is present in such establishment, and to be jointly and severally liable for the fees required by regulation 13. Applications for such joint inspection shall be submitted by each packer party to the agreement and shall be accompanied by a signed copy of such agreement, which shall specify the time each such packer will operate his establishment. For the purposes of regulation 13 the packers party to such agreement shall be regarded as one packer with one establishment.

(c) Upon the organization of packers operating a group of establishments in any locality under an agreement for cooperative inspection, and with the approval of the Food and Drug Administration, any number of inspectors requested by such organization may be initially assigned to such group of establishments. Applications for such cooperative inspection shall be submitted by each packer party to the agreement and shall be accompanied by a signed copy of such agreement, which shall designate an officer of the organization who shall be solely responsible for the apportionment of inspection service in the establishments of members of the organization. Such officer shall furnish means for any necessary transportation of inspectors between establishments. The agreement shall bind each packer party thereto not to receive or handle any shrimp in his establishment except when an inspector is present in such establishment, and to be jointly and severally liable for the fees required by regulation 13. For the purposes of regulation 13 each organization formed under the authority of this paragraph shall be regarded as one packer with one establishment.

(d) Applications by two or more packers for inspection of one establishment to be jointly or severally operated by them shall be accompanied by an agreement signed by such packers binding each to be jointly and severally liable for the fees required by regulation 13. For the purposes of regulation 13 the packers party to such agreement shall be regarded as one packer.

(e) Inspection shall be continuous for the entire inspection period; except that, upon application by the packer or by any organization formed under the authority of (c) or (d) of

this regulation, and with the approval of the Food and Drug Administration, any inspection period may be divided between one continuous subperiod in the fall season and one continuous subperiod in the spring season. All inspection periods or extensions of such periods shall terminate not later than June 30 of each year.

#### INSPECTION FEES

13. (a) The packer shall pay to the Department of Agriculture a fee of five cents for each case of canned shrimp packed by him during the inspection period; but in no case shall the payment be less than \$100 for each month of any inspection period, and no inspection period shall be less than six months in a fiscal year.

(b) An initial payment of \$300 shall accompany the application for inspection, or renewal thereof, as provided by regulation 1. A second payment of \$300 shall be made immediately after packing 5,000 cases, but in no event later than two months after the date specified in the application for the beginning of inspection: *Provided*, That if the Department of Agriculture is not prepared to begin inspection until after the date specified in the application, the second payment of \$300 shall be made not later than two months after the date on which inspection is begun.

(c) When any packer desires extension of the inspection period in any establishment beyond six months, but in no case beyond June 30 of any year, he shall apply therefor on a form provided by the Food and Drug Administration. Such application shall be accompanied by a payment to the Department of Agriculture of \$100 for each month's extension desired: except that when such extension is for a period of three or more months, payment of one-half the prescribed fee may accompany the application; payment of the second half shall then be made immediately after packing 2000 cases, but in no event later than one month after the date specified in the application for the beginning of such extension.

(d) The packer shall make advance payments of any additional fees required under (a) of this regulation whenever necessary to prevent arrears in payment of such fees. Each such payment shall be not less than \$250 unless the Food and Drug Administration on an estimate of probable output authorizes payment in other amount. The Department of Agriculture will refund to the packer, after termination of the inspection period, any excess payment so made.

(e) If unlabeled canned shrimp is stored and expense is thereafter incurred in the final inspection of such shrimp for the purpose of issuing a certificate or export permit thereon, the packer shall reimburse the U. S. Department of Agriculture for any such expense incurred, as salary, travel, or subsistence, in accordance with the fiscal regulations of the Federal Government.

(f) All payments required by these regulations shall be by New York draft, certified check, or cashier's check, drawn to "U. S. Department of Agriculture." All such drafts or checks, except for the fees required by regulation 1, shall be delivered to the inspector for transmission to the Department of Agriculture.

(g) For the purposes of this regulation a case of canned shrimp shall be 48 No. 1 cans (211 x 400), or the equivalent thereof.

#### TERMINATION OF INSPECTION

14. (a) The Secretary of Agriculture may withdraw inspection from any establishment (1) upon failure of the packer to comply with any provision of these regulations, or (2) upon the dissemination by the packer or his agent of any representation which is false or misleading in any particular regarding canned shrimp packed under the inspection service provided by these regulations.

(b) When inspection is withdrawn from any establishment under authority of (a) of this regulation, the Department of Agriculture will not refund any balance of advance fees paid for such establishment.

(c) The packer, on or after June 30 of any year, but before the resumption of packing thereafter, may terminate



inspection under these regulations by giving written notice of such termination to the Secretary of Agriculture.

[SEAL]

[F. R. Doc. 922—Filed, June 16, 1936; 1:19 p. m.]

## FEDERAL POWER COMMISSION:

Commissioners: Frank R. McNinch, Chairman; Basil Manly, Vice Chairman; Herbert J. Drane, Claude L. Draper, Clyde L. Seavey.

### HEARING ON APPLICATION FOR AMENDMENT OF LICENSE

[Project No. 16]

The Commission adopted the following order:

Application having been filed by The Niagara Falls Power Company on April 23, 1936, renewing application filed February 24, 1928, for amendment of license issued to said company March 2, 1921, as amended, for project No. 16 on the Niagara River, so as to include therein authority to divert an additional 275 cubic feet of water per second through said project:

The Commission orders:

(1) That a hearing be held at 10 a. m., on the 14th day of September, 1936, at the Commission's hearing rooms, 416-417 Machinists Building, 9th Street and Mt. Vernon Place NW., Washington, D. C., for the purpose of receiving any proper evidence that may be submitted in support of or against said application; and

(2) That an examiner designated by the Chairman as a representative of this Commission conduct such hearing, pursuant to the order of the Commission adopted January 28, 1936.

Adopted by the Commission on June 2, 1936.

LEON M. FUQUAY, *Acting Secretary.*

[F. R. Doc. 917—Filed, June 16, 1936; 9:34 a. m.]

Thursday, June 18, 1936

No. 69

## PRESIDENT OF THE UNITED STATES.

### BIENVILLE NATIONAL FOREST—MISSISSIPPI

By the President of the United States of America

#### A PROCLAMATION

WHEREAS certain forest lands within the State of Mississippi have been or may hereafter be acquired by the United States of America under the authority of sections 6 and 7 of the act of March 1, 1911, ch. 186, 36 Stat. 961, as amended (U. S. C., title 16, secs. 515, 516); and

WHEREAS it appears that it would be in the public interest to reserve and designate such lands as the Bienville National Forest:

NOW THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 24 of the act of March 3, 1891, ch. 561, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471) and by section 11 of the said act of March 1, 1911 (U. S. C., title 16, sec. 521) do proclaim that there are hereby reserved and set apart as the Bienville National Forest all lands of the United States within the following-described areas, and that all lands therein which may hereafter be acquired by the United States under authority of said act of March 1, 1911, as amended, shall upon their acquisition be reserved and administered as a part of the Bienville National Forest:

#### CHOCTAW, MERIDIAN

T. 3 N., R. 6 E.,  
sections 1 to 3, inclusive;  
sections 10 to 15, inclusive;  
sections 22 to 27, inclusive;  
sections 34 to 36, inclusive;  
T. 3 N., R. 7 E.;

T. 3 N., R. 8 E.,  
sections 1 to 12, inclusive;  
sections 18, 19, 30, and 31;  
T. 3 N., R. 9 E., sections 1 to 12, inclusive;  
T. 3 N., R. 10 E., sections 1 to 12, inclusive;  
T. 4 N., R. 6 E.,

sections 1 to 3, inclusive;  
sections 10 to 15, inclusive;  
sections 22 to 27, inclusive;  
sections 34 to 36, inclusive;  
Tps. 4 N., Rs. 7, 8, 9, and 10 E.;

T. 5 N., R. 6 E.,  
sections 1 to 3, inclusive;  
sections 10 to 15, inclusive;  
sections 22 to 27, inclusive;  
sections 34 to 36, inclusive;  
Tps. 5 N., Rs. 7, 8, and 9 E.,  
T. 5 N., R. 10 E., sections 19 to 36, inclusive;  
T. 6 N., R. 6 E.,

sections 1 to 4, inclusive;  
sections 9 to 16, inclusive;  
sections 21 to 28, inclusive;  
sections 33 to 36, inclusive;  
Tps. 6 N., Rs. 7 and 8 E.;

T. 6 N., R. 9 E.,  
sections 5 to 8, inclusive;  
sections 17 to 21, inclusive;  
sections 28 to 33, inclusive;

T. 7 N., R. 6 E.,  
sections 1 to 3, inclusive;  
sections 10 to 15, inclusive;  
sections 21 to 28, inclusive;  
sections 33 to 36, inclusive;

T. 7 N., R. 7 E.,  
sections 4 to 9, inclusive;  
sections 13 to 36, inclusive;

T. 7 N., R. 8 W.,  
sections 19 to 22, inclusive;  
sections 27 to 34, inclusive;

T. 8 N., R. 6 E.,  
sections 1 to 4, inclusive;  
sections 9 to 15, inclusive;  
sections 22 to 27, inclusive;  
sections 34 to 36, inclusive;

T. 8 N., R. 7 E.,  
sections 19 to 21, inclusive;  
sections 28 to 33, inclusive.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 15<sup>th</sup> day of June, in the year of our Lord nineteen hundred and thirty-six [SEAL] and of the Independence of the United States of America the one hundred and sixtieth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

[No. 2175]

[F. R. Doc. 923—Filed, June 16, 1936; 3:31 p. m.]

### HOLLY SPRINGS NATIONAL FOREST—MISSISSIPPI

By the President of the United State of America

#### A PROCLAMATION

WHEREAS certain forest lands within the State of Mississippi have been or may hereafter be acquired by the United States of America under the authority of sections 6 and 7 of the act of March 1, 1911, ch. 186, 36 Stat. 961, as amended (U. S. C., title 16, secs. 515, 516) and

WHEREAS it appears that it would be in the public interest to reserve and designate such lands as the Holly Springs National Forest:

NOW THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 24 of the act of March 3, 1891, ch. 561, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471) and by section 11 of the said act of March 1, 1911 (U. S. C., title 16, sec. 521), do proclaim that there are hereby reserved and set apart as the Holly Springs National Forest all lands of the United States within the following-described areas, and that all lands therein which may hereafter be acquired by the United States under authority of said act of March 1, 1911, as